

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOE-LANAR BYAM

Plaintiff,

-against-

EQUIFAX INFORMATION SERVICES LLC,
EXPERIAN INFORMATION SOLUTIONS,
INC., AND TRANS UNION LLC,

Defendants.

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

By and through the undersigned counsel, Plaintiff Joe-Lanar Byam (“Plaintiff”), with knowledge as to Plaintiff’s own acts and investigation of counsel as to the acts of others, and believing that further investigation and discovery will confirm that the allegations recited herein have substantial evidentiary support, states as follows:

Introduction

1. Pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (“FCRA”), Plaintiff brings this action against Defendants Equifax Information Services LLC (“Equifax”), Experian Information Solutions, Inc. (“Experian”), and Trans Union LLC (“Trans Union”) (Equifax, Experian, and Trans Union are “Defendants”) to recover actual, statutory, and punitive damages. In addition, Plaintiff is entitled to an award of costs and attorney’s fees in this statutory fee-shifting action.

Jurisdiction and Venue

2. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681p.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2).

4. A substantial portion of the harm Defendants caused Plaintiff due to their FCRA violations was suffered by Plaintiff in this Judicial District.

The Parties

5. Plaintiff is an individual and “consumer” within the meaning of the FCRA. Plaintiff resides in Jamaica, New York.
6. Defendant Equifax is a foreign entity that conducts business in the State of New York and a “consumer reporting agency” within the meaning of the FCRA.
7. Defendant Experian is a foreign entity that conducts business in the State of New York and a “consumer reporting agency” within the meaning of the FCRA.
8. Defendant Trans Union is a foreign entity that conducts business in the State of New York and a “consumer reporting agency” within the meaning of the FCRA.

Plaintiff’s Claims Against Defendants Pursuant to the Fair Credit Reporting Act

9. Plaintiff is a victim of a mixed file.¹
10. Each Defendant combined Plaintiff’s credit information with that of one or more other consumers (hereinafter “Mixed Information”).
11. The Mixed Information includes many credit accounts, at least one of which – upon information and belief -- belongs to Plaintiff’s sister.
12. Plaintiff disputed the accuracy of her mixed file to each Defendant.
13. Among other inaccurate consumer reports, (1) Experian published a consumer report with Mixed Information to JP Morgan Chase Bank on April 7, 2024; (2) Trans Union published a

¹ A mixed file refers to a situation in which one or more consumer reporting agencies mix or merge the information of more than one consumer into a single consumer file.

consumer report with Mixed Information to Capital One on April 4, 2024; and (3) Equifax published a consumer report with Mixed Information to Capital One on April 4, 2024.

14. Each Defendant's publication defamed Plaintiff, thereby:
- a. Giving potential creditors the false impression that Plaintiff was a poor credit risk.
 - b. Impugning Plaintiff's reputation and character.
 - c. Causing Plaintiff to suffer substantial emotional distress as described herein.

Damages

15. At all times pertinent hereto, the conduct of each Defendant and their agents was malicious, intentional, willful, reckless, and in wanton disregard for the rights of Plaintiff pursuant to the FCRA.
16. In the alternative, the conduct of each Defendant and their agents was in negligent disregard of the rights of Plaintiff pursuant to the FCRA.
17. Each Defendant, as a direct and proximate result of their unlawful actions, conduct, and omissions, published inaccurate information about Plaintiff to third parties.
18. Each Defendant's publication of inaccurate information about Plaintiff caused Plaintiff to suffer damages cognizable pursuant to the FCRA, including but not necessarily limited to the following:
- a. Plaintiff suffered substantial emotional distress. That emotional distress includes ongoing stress and severe anxiety. Plaintiff's emotional distress has manifested itself through a variety of symptoms, including headaches, difficulty sleeping, frustration, humiliation, apprehension about applying for credit/employment, depression, and instances of crying.
 - b. Plaintiff was defamed by each Defendant, all of which published false

information about Plaintiff that damaged Plaintiff's reputation for creditworthiness. Such defamation further contributed to, among other things, Plaintiff's ongoing emotional distress.

- c. Unjustifiable invasions of Plaintiff's privacy rights as Plaintiff's personal information was, upon information and belief, disseminated to unauthorized parties.

19. Additionally, because each Defendant mixed Plaintiff's file, Plaintiff was compelled to spend time disputing the Mixed Information.

20. The damages Plaintiff suffered are cognizable actual damages under the Fair Credit Reporting Act.

21. Because of Defendants' willful violations of the Fair Credit Reporting Act, Plaintiff is entitled to an award of actual damages (or statutory damages), such punitive damages as the Court may allow, and Plaintiff's costs and reasonable attorney's fees.²

CAUSE OF ACTION
VIOLATIONS OF THE FCRA BY EQUIFAX, EXPERIAN AND TRANS UNION
(CONSUMER REPORTING AGENCIES)

Violations of FCRA § 1681e(b)

22. Defendants each violated FCRA § 1681e(b) by preparing and publishing one or more inaccurate consumer reports about Plaintiff to third parties because each Defendant did not follow reasonable procedures to assure maximum possible accuracy of information they respectively reported about Plaintiff. Those consumer reports, upon information and belief,

² Even if a jury finds that a Defendant's unlawful conduct was merely negligent, Plaintiff would still be entitled to an award of actual damages, costs, and reasonable attorney's fees in this fee-shifting action.

contained inaccurate information about Plaintiff, including but not necessarily limited to the Mixed Information.

WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and damages and equitable relief against Defendants:

1. Awarding against each Defendant actual damages, statutory damages, punitive damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1681n and § 1681o.
2. Such other and further relief as may be necessary, just, and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury as to all issues so triable.

/s/ Brett D. Sherman
Brett D. Sherman
Sherman & Ticchio PLLC
brett@st-legal.com
120 N. Main Street Suite 302(b)
New City, NY 10956
212.324.3874